

**Notice of Allowability**

Application No.

10/723,993

Examiner

Chun-Kuan (Mike) Lee

Applicant(s)

YAMAMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/28/2007.
2. ☒ The allowed claim(s) is/are claims 2-3 and 5-8 been renumbered as claims 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 08/28/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
ALFORD KINDRED  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### **CONTINUED EXAMINATION UNDER 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 08/28/2007 has been entered.

### **RESPONSE TO ARGUMENTS**

2. Applicant's arguments, see pages 6-7, filed 03/27/2007, with respect to claim 3 have been fully considered and are persuasive. The rejection of claims 2-3 and 5-8 has been withdrawn. Currently, claims 1 and 4 are canceled and claims 2-3 and 5-8 are pending for examination.

### **I. INFORMATION CONCERNING OATH/DECLARATION**

#### **Oath/Declaration**

3. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

## **II. INFORMATION CONCERNING DRAWINGS**

### **Drawings**

4. The applicant's drawings submitted are acceptable for examination purposes.

## **III. ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT**

5. As required by **M.P.E.P. 609(C)**, the applicant's submissions of the Information Disclosure Statement dated August 28, 2007 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

## **IV. EXAMINER'S AMENDMENTS**

### **OPTIONS AVAILABLE TO THE APPLICANT**

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by **37 CFR § 1.312**. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

### **CORRECTIONS MADE IN THE APPLICATION**

7. The application has been amended as following:

#### **IN THE CLAIMS:**

Original claim 3 and 5-8 have been renumbered as following:

**Original claim numbering**

**New claim numbering**

3

1

5-8

3-6

**V. DISTINGUISHING FEATURES RECITED IN THE CLAIMS**

**ALLOWABLE SUBJECT MATTER**

8. Claims 2-3 and 5-8 have been renumbered as claims 1-6 are allowed.
9. The following is an **Examiner's Statement of Reasons for Allowance**, See **MPEP 1302.14**:

The primary reasons for allowance of claim 3 (renumbered claim 1) in the instant application is the combination with the inclusion in the claim that there are "... a service class characteristic table setting characteristics for each packet in advance for the simulation of statuses of transferring packets having a variable length in an IP network by defining a packet control operation for each received packet, corresponding to a service class, which is identified by the TAG information; a conversion table in which allocated areas of said buffer memory corresponding to service classes are stored, and a packet output control portion controlling packets to output from the buffer memory, wherein said conversion table modifies the allocated areas of said buffer memory according to the number of service class settings in said service class characteristic table and defines output physical ports, the areas of the buffer memory being allocated based on said

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output physical ports, and said packet output control portion managing the areas of the buffer memory from which packets are to be read out and the order and time of reading out the packets, according to contents stored in the conversion table, so as to perform the characteristics for each packet set in the service class characteristics table" The prior art of record including the disclosures of Applicant's Admitted Prior Art and Nagarajan et al. (US Patent 6,240,066) neither anticipates nor renders obvious the above recited combination. Because claims 2 and 5-8 (2-6) depend directly or indirectly on claim 1, these claims are considered allowable for at least the same reasons noted above.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**VI. CLOSING COMMENTS**

**Conclusion**

**DIRECTION OF FUTURE CORRESPONDENCES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

**IMPORTANT NOTE**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 16, 2007

Chun-Kuan (Mike) Lee  
Examiner  
Art Unit 2181



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